IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.517 OF 2006
IN
CHAMBER SUMMONS NO.156 OF 2005
IN
SUIT NO.3750 OF 2000

Vinodkumar V. Kanabar & Ors. ..Appellants/
(Orig.Defts.)

Vs.

Laxmidas S. Shetty & Anr. ..Respondents/
(Orig.Plffs.)

Mr.Vasant Kumar V. Kanabar for the Appellants.
Mr.P.K.Dhakephalkar for the Respondents.

CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.
DATED: 10TH AUGUST, 2006

P.C. :

Heard the learned counsel for the Appellants and the learned counsel for the Respondents.

2. By this Appeal, the Appellants are challenging the order dated 17th April, 2006 passed by the learned Single Judge in Chamber Summons No.156 of 2005. It appears that the learned Single Judge by the said order had observed that in view of the order passed in Chamber Summons No.402 of 2005, the learned Single Judge has disposed of Chamber Summons No.156 of 2005.

3. We have also perused the order dated 16th March,

2006 passed by the learned Single Judge in Notice of Motion No.2031 of 2005. The said order makes it clear that Notice of Motion No.156 of 2005 ought to be heard on its own merits. It appears that the relevant part of the above order dated 16th March, 2006 was not brought to the notice of the learned Judge.

4. After hearing the parties for some time, both the learned counsel are agreeable that the aforesaid Chamber Summons No.156 of 2005 as well as Chamber Summons No.402 of 2005 be heard a fresh by the learned Single Judge.

5. In view thereof, the impugned order dated 17th April, 2006 stands set aside. Both the Chamber Summons, being Chamber Summons No.156 of 2005 as well as Chamber Summons No.402 of 2005 stand restored to the file before the learned Single Judge for being heard a fresh, without being influenced by the earlier orders.

6. Appeal stands disposed of.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)